REMARKS

As a preliminary matter, with regard to paragraph 2 of the July 8, 2004 Office Action, Applicants agree that the Examiner is entitled to give the claim terms the broadest reasonable interpretation consistent with Applicants' specification. However, Applicants would like to point out that the materials listed on page 6, lines 14-18, of Applicants' specification are only examples of suitable materials, and that other materials may also meet the claim language of "a metal which improves GMR performance."

With regard to paragraphs 3 and 4 of the July 8, 2004 Office Action, the phrase at issue ("wherein the magnetic layer has an effective magnetic layer thickness, excluding a thickness of a magnetically dead layer, greater than 0 and less than approximately 40 Å") is disclosed in the specification, as originally filed, on page 8, lines 25-31. Accordingly, withdrawal of this objection to the specification is respectfully requested.

With regard to paragraph 5, Applicants respectfully traverse the objection of Claim 3 under 35 U.S.C. §1.75(c). Applicants respectfully submit that Claim 3 does further limit the subject matter of independent Claim 1 because the materials listed in Claim 3 are not listed in Claim 1. As mentioned above, the materials listed on page 6, lines 14-18, of Applicants' specification are only examples of suitable materials, and other materials may also meet the claim language of "a metal which improves GMR performance." Further, it is well established that it is improper to read limitations from the specification into the claims. *See, e.g., In re Priest*, 199 USPQ 10, 15 (C.C.P.A. 1978). Therefore, since the materials of Claim 3 are not listed in Claim 1, and incorporating them into Claim 1 would involve

improperly reading limitations from the specification into the claims, Claim 3 does further define the invention of Claim 1. Accordingly, Applicants respectfully request the withdrawal of this objection of Claim 3.

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

As mentioned above, the language at issue ("wherein the magnetic layer has an effective magnetic layer thickness, excluding a thickness of a magnetically dead layer, greater than 0 and less than approximately 40 Å") is disclosed in the specification, as originally filed, on page 8, lines 25-31. Accordingly, withdrawal of this rejection of Claim 4 is respectfully requested.

Claim 1-5, 9 and 10 stand rejected under 35 U.S.C. § 102(a) and/or § 102(e) as being anticipated by United States Patent No. 6,181,534 to Gill. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Gill fails to disclose all of the claimed features of the present invention. More specifically, Gill fails to disclose a magnetoresistive spin-valve sensor that includes, *inter alia*, a back layer made of AuCu, AgCu, AuAgCu or an alloy thereof, as recited in independent Claims 1 and 10. Instead, Gill discloses a first specular reflector layer 318 (which the Examiner has equated with the claimed "back layer") made of Cu, Au, or Ag. Accordingly, as all of the features of independent Claims 1 and 10 are not disclosed or suggested in Gill, Applicants respectfully request the withdrawal of this

§102(a)/102(e) rejection of independent Claims 1 and 10 and associated dependent Claims 3-5 and 9.

Claims 6-8 and 11-13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gill. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Gill fails to disclose or suggest all of the features of the present invention. More specifically, as discussed above, Gill fails to disclose a magnetoresistive spin-valve sensor that includes, *inter alia*, a back layer made of AuCu, AgCu, AuAgCu or an alloy thereof, as recited in independent Claims 1 and 10. Instead, Gill discloses a first specular reflector layer 318 (which the Examiner has equated with the claimed "back layer") made of Cu, Au, or Ag. Further, Gill fails to suggest the use of materials other than Cu, Au or Ag for the back layer. On the other hand, as described on page 8, line 37 to page 9, line 35 of Applicant's specification, in conjunction with Figures 5 and 6, the sheet resistance ΔR is increased and the GMR performance is improved by use of an alloy such as AgCu and AuCu for the back layer, compared to the case where Cu is used for the back layer. Gill does not teach or suggest these features and effects of the present invention. Accordingly, for at least these reasons, Applicants respectfully request the withdrawal of this §103 rejection of Claims 6-8 and 11-13

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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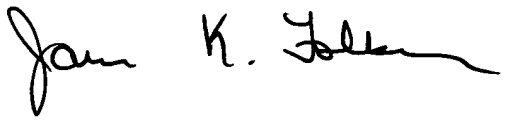
By 

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